



20 MAR 2008

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In re Application of

KHAN, et al.

Serial No.: 10/566,021

PCT No.: PCT/GB04/03219

Int. Filing Date: 26 July 2004

Priority Date: 30 July 2003

Atty Docket No.: GJE-7547

For: LASER-MARKABLE COMPOSITIONS

DECISION ON PETITION

UNDER 37 CFR 1.47(a).

This decision is in response to the "Petition to File Application Without Signature of Joint Inventor" filed 20 December 2007. The petition is being considered under 37 CFR 1.47(a) to accept the application without the signature of co-inventor Dr. Nazir Khan.

BACKGROUND

On 26 July 2004, applicant filed international application PCT/GB04/03219 which claimed priority to a previous application filed 30 July 2003. A copy of the international application was transmitted to the United States on 10 February 2005. Pursuant to 37 CFR 1.495 the period for providing payment of the full, U.S. Basic National Fee was set to expire thirty months from the priority date, or midnight 30 January 2006.

On 25 January 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a preliminary amendment.

On 17 October 2007, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventors was required, as well as, payment of the \$130.00 surcharge for providing an executed oath or declaration later than thirty months from the earliest claimed priority date. Applicant was afforded two months to file a proper response.

On 20 December 2007, applicant filed the present petition under 37 CFR 1.47(a) accompanied by certification under 37 CFR 1.8 that the filing was deposited with the United States Postal Service as a first class mailing on 17 December 2007. Therefore, applicant's response is considered timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items 1, 2 and 4.

Regarding item 3, the present petition does not provide the last known address of Dr. Khan. The address is necessary for the USPTO to provide Dr. Khan a notice of the filing of this application pursuant to 37 CFR 1.47(c).

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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